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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/574,637	05/18/2000	John J. Johnson IV	30603UT1002	8108

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EXAMINER

HWU, DAVIS D

ART UNIT PAPER NUMBER

3752

DATE MAILED: 02/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicati n No.

09/574,637

Applicant(s)

JOHNSON, JOHN J. 

Examiner

Davis D. Hwu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 41-45, 48-55, 57-71, 73-88, 90-113 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____  | 6) <input type="checkbox"/> Other: _____                                    |



***R s p o n s   t o   A m e n d m   n t***

1.      Applicant's amendment and remarks of December 28, 2004 is acknowledged and entered.
2.      The amendment and remarks have been fully considered.
3.      The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

***Claim Rejections - 35 USC § 103***

4.      Claims 41, 43, 50, 52, 57-59, 93, 95, 98, 101, 103, 107-110, and 113 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kincheloe in view of Pestotnik. Kincheloe discloses a vehicle comprising a triangular wheel base comprising a single front wheel and two opposing rear wheels, a vehicle engine, a wedge shaped nose, and at least one window. The patent to Pestotnik teaches a three wheeled fire-fighting vehicle comprising an emergency response fluid delivery tank to fight fires in remote forest locations. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Kincheloe by providing an emergency response fluid delivery tank as taught by Pestotnik to be able to fight fires in remote locations of a forest. The vehicle sizes and weight as recited are obvious matters of design choice since such a modification would have involved a mere change in the size and weight of a component, which is generally recognized as being within the level of ordinary skill in the art.
5.      Claims 44 and 96 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kincheloe in view of Pestotnik as applied to claims 41 and 93 above, and further in

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view of Bolton et al.

Bolton et al. teach providing fire resistant windows to vehicles for fire protection. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Kincheloe and Pestotnik by providing a fire resistant window as taught by Bolton et al. for fire protection.

6. Claims 45 and 97 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kincheloe in view of Pestotnik as applied to claims 41 and 93 above, and further in view of Atkins.

Atkins teaches a vehicle having a chain and sprocket steering system. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated into the vehicle of Kincheloe and Pestotnik a chain and sprocket steering system as taught by Atkins since Atkins teaches that such arrangements are known to one of ordinary skill in the art and the vehicle of Kincheloe and Pestotnik would function properly with such arrangements.

7. Claims 48 and 99 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kincheloe in view of Pestotnik as applied to claims 41 and 93 above, and further in view of Arnold.

Arnold teaches a vehicle comprising a steering system which provides a 360 degree rotatability about an axis substantially orthogonal to the axis of rotation of the wheels for translational movement of the vehicle (Column 5, lines 13-20).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Kincheloe and Pestotnik by

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providing a 360 degree rotatability for the front wheel as taught by Arnold for translational movement of the vehicle.

8. Claims 51 and 102 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kincheloe in view of Pestotnik as applied to claims 41 and 93 above, and further in view of Carrier.

Carrier teaches a fire fighting vehicle having a tank with fire-retarding chemicals which is capable of producing at least 34,000 liters of fire-suppressing foam. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the vehicle of Kincheloe and Pestotnik by providing enough chemicals in order to produce at least 34,000 liters of foam as taught by Carrier in order to provide adequate amounts of fire fighting foam.

9. Claims 53 and 104 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kincheloe in view of Pestotnik as applied to claims 41 and 93 above, and further in view of Forsyth.

Forsyth teaches a fire fighting vehicle which is capable of being airlifted to a destination. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the vehicle of Kincheloe and Pestotnik by providing at least one attachment point for airlifting and airdropping the vehicle as taught by Forsyth in order to quickly place the vehicle a particular location to fight fires.

10. Claims 54 and 105 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kincheloe in view of Pestotnik as applied to claims 41 and 93 above, and further in view of Willard, Jr.

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Willard, Jr. teaches a run-flat tire which demonstrates improved vehicle performance under deflated conditions and yet achieves the same vehicle performance as a standard tire when inflated. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Kincheloe and Pestotnik by using runflat tires as taught by Willard, Jr. in order to provide improved vehicle performance under deflated conditions and achieve the same vehicle performance as a standard tire when inflated.

11. Claims 55 and 106 rejected under 35 U.S.C. 103(a) as being unpatentable over Kincheloe in view of Pestotnik as applied to claims 41 and 93 above, and further in view of Matsushita.

Matsushita teaches a vehicle steering control system comprising left and right brakes and control valves for separately controlling the left and right brakes in order to obtain smooth turning performance. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Kincheloe and Pestotnik by incorporating left and right brakes wherein the brakes are separately controlled as taught by Matsushita in order to provide a smooth turning performance.

12. Claims 42, 49, 94 and 100 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kincheloe in view of Pestotnik as applied to claims 41 and 93 above, and further in view of Fuller.

Fuller teaches a fire fighting vehicle comprising a frame 12 supporting a removable tank

16. It would have been obvious to one having ordinary skill in the art at the time the

invention was made to have modified the device of Kincheloe and Pestotnik by providing the recited limitations such that the tank is removable from the vehicle since this concept is taught by Fuller in order to clean or replace the tank as necessary.

13. Claims 60, 62, 66, 68, 73-75, and 111 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kincheloe in view of Pestotnik and Arnold.

Kincheloe discloses a vehicle comprising a triangular wheel base comprising a single front wheel and two opposing rear wheels, a vehicle engine, a wedge shaped nose, and at least one window. Pestotnik teaches a three wheeled fire-fighting vehicle comprising an emergency response fluid delivery tank to fight fires in remote forest locations and Arnold teaches a vehicle comprising a steering system which provides a 360 degree rotatability about an axis substantially orthogonal to the axis of rotation of the wheels for translational movement of the vehicle (Column 5, lines 13-20). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Kincheloe by providing an emergency response fluid delivery tank as taught by Pestotnik to be able to fight fires in remote locations of a forest and providing a 360 degree rotatability for the front wheel as taught by Arnold for translational movement of the vehicle. The weight as recited in claim 75 is an obvious matter of design choice since such a modification would have involved a mere change in the weight of a component, which is generally recognized as being within the level of ordinary skill in the art.

14. Claim 61 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kincheloe in view of Pestotnik and Arnold as applied to claim 60 above, and further in

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view of Fuller.

Fuller teaches a fire fighting vehicle comprising a frame 12 supporting a removable tank 16. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Kincheloe, Pestotnik, and Arnold by providing the recited limitations such that the tank is removable from the vehicle since this concept is taught by Fuller in order to clean or replace the tank as necessary.

15. Claim 63 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kincheloe in view of Pestotnik and Arnold as applied to claim 60 above, and further in view of Bolton et al.

Bolton et al. teaches providing fire resistant windows to vehicles for fire protection. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Kincheloe, Pestotnik, and Arnold by providing a fire resistant window as taught by Bolton et al. for heat protection.

16. Claim 64 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kincheloe in view of Pestotnik and Arnold as applied to claim 60 above, and further in view of Atkins.

Atkins teaches a vehicle having a chain and sprocket steering system. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated into the vehicle of Kincheloe, Pestotnik, and Arnold a chain and sprocket steering system as taught by Atkins since Atkins teaches that such arrangements are known to one of ordinary skill in the art.

17. Claim 65 is rejected under 35 U.S.C. 103(a) as being unpatentable over



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Kincheloe in view of Pestotnik and Arnold as applied to claim 60 above, and further in view of Fuller.

Fuller teaches a fire fighting vehicle comprising a frame 12 supporting a removable tank 16. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Kincheloe, Pestotnik, and Arnold by providing the recited limitations such the tank is removable from the vehicle since this concept is taught by Fuller in order to clean or replace the tank as necessary.

18. Claim 67 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kincheloe in view of Pestotnik and Arnold as applied to claim 60 above, and further in view of Carrier.

Carrier teaches a fire fighting vehicle having a tank with fire-retarding chemicals which is capable of producing at least 34,000 liters of fire-suppressing foam. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the vehicle of Kincheloe, Pestotnik, and Arnold by providing enough chemicals in order to produce at least 34,000 liters of foam as taught by Carrier in order to provide adequate amounts of fire fighting foam.

19. Claim 69 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kincheloe in view of Pestotnik and Arnold as applied to claim 60 above, and further in view of Forsyth.

Forsyth teaches a fire fighting vehicle which is capable of being airlifted to a destination. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the vehicle of Kincheloe, Postotnik, and Arnold by

providing at least one attachment point for airlifting and airdropping the vehicle as taught by Forsyth in order to quickly place the vehicle a particular location to fight fires.

20. Claim 70 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kincheloe in view of Pestotnik and Arnold as applied to claim 60 above, and further in view of Willard.

Willard, Jr. teaches a run-flat tire which demonstrates improved vehicle performance under deflated conditions and yet achieves the same vehicle performance as a standard tire when inflated. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Kincheloe, Pestotnik, and Arnold by using runflat tires as taught by Willard, Jr. in order to provide demonstrates improved vehicle performance under deflated conditions and achieve the same vehicle performance as a standard tire when inflated.

21. Claim 71 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kincheloe in view of Pestotnik and Arnold as applied to claim 60 above, and further in view of Matsushita.

Matsushita teaches a vehicle steering control system comprising left and right brakes and control valves for separately controlling the left and right brakes in order to obtain smooth turning performance. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Kincheloe, Pestotnik, and Arnold by incorporating left and right brakes wherein the brakes are separately controlled as taught by Matsushita in order to provide a smooth turning performance.

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22. Claims 76, 78, 81, 84, 86, 90-92, and 112 rejected under 35 U.S.C. 103(a) as being unpatentable over Kincheloe in view of Pestotnik and Matsushita.

Kincheloe discloses a vehicle comprising a triangular wheel base comprising a single front wheel and two opposing rear wheels, a vehicle engine, a wedge shaped nose, and at least one window. Pestotnik teaches a three wheeled fire-fighting vehicle comprising an emergency response fluid delivery tank to fight fires in remote forest locations and Matsushita teaches a vehicle steering control system comprising left and right brakes and control valves for separately controlling the left and right brakes in order to obtain smooth turning performance. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of by Kincheloe by providing an emergency response fluid delivery tank as taught by Pestotnik to be able to fight fires in remote locations of a forest and incorporating left and right brakes wherein the brakes are separately controlled as taught by Matsushita in order to provide a smooth turning performance. The sizes as recited in claim 81 would have been obvious matters design choice. The weight recited in claim 92 would have been an obvious matter of design choice depending on the desired weight of the vehicle.

23. Claims 77 and 83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kincheloe in view of Pestotnik and Matsushita as applied to claim 76 above, and further in view of Fuller.

Fuller teaches a fire fighting vehicle comprising a frame 12 supporting a removable tank 16. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Kincheloe, Pestotnik, and

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Matsushita by providing the recited limitations such the tank is removable from the vehicle since this concept is taught by Fuller in order to clean or replace the tank as necessary.

24. Claim 79 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kincheloe in view of Pestotnik and Matsushita as applied to claim 76 above, and further in view of Bolton et al.

Bolton et al. teaches providing fire resistant windows to vehicles for fire protection. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Kincheloe, Pestotnik, and Matsushita by providing a fire resistant window as taught by Bolton et al. for heat protection since the coating materials are often very hot when spread.

25. Claim 80 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kincheloe in view of Pestotnik and Matsushita as applied to claim 76 above, and further in view of Atkins.

The patent to Atkins teaches a vehicle having a chain and sprocket steering system. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated into the vehicle of Kincheloe, Pestotnik, and Matsushita a chain and sprocket steering system as taught by Atkins since Atkins teaches that such arrangements are known to one of ordinary skill in the art.

26. Claim 82 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kincheloe in view of Pestotnik and Matsushita as applied to claim 76 above, and further in view of Arnold.

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Arnold teaches a vehicle comprising a steering system which provides a 360 degree rotatability about an axis substantially orthogonal to the axis of rotation of the wheels for translational movement of the vehicle (Column 5, lines 13-20). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Kincheloe, Pestotnik, and Matsushita by providing a 360 degree rotatability for the front wheel as taught by Arnold for translational movement of the vehicle.

27. Claim 85 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kincheloe in view of Pestotnik and Matsushita as applied to claim 76 above, and further in view of Carrier.

The patent to Carrier teaches a fire fighting vehicle having a tank with fire-retarding chemicals which is capable of producing at least 34,000 liters of fire-suppressing foam. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the vehicle of Kincheloe, Pestotnik, and Matsushita by providing enough chemicals in order to produce at least 34,000 liters of foam as taught by Carrier in order to provide adequate amounts of fire fighting foam.

28. Claim 87 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kincheloe in view of Pestotnik and Matsushita as applied to claim 76 above, and further in view of Forsyth.

Forsyth teaches a fire fighting vehicle which is capable of being airlifted to a destination. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the vehicle of Kincheloe, Pestotnik, and

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Matsushita by providing at least one attachment point for airlifting and airdropping the vehicle as taught by Forsyth in order to quickly place the vehicle a particular location to fight fires.

29. Claim 88 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kincheloe in view of Pestotnik and Matsushita as applied to claim 76 above, and further in view of Willard, Jr.

Willard, Jr. teaches a run-flat tire which demonstrates improved vehicle performance under deflated conditions and yet achieves the same vehicle performance as a standard tire when inflated. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Kincheloe, Pestotnik, and Matsushita by using runflat tires as taught by Willard, Jr. in order to provide demonstrates improved vehicle performance under deflated conditions and achieve the same vehicle performance as a standard tire when inflated.

### ***Response to Arguments***

30. Applicant's arguments filed December 28, 2004 have been fully considered but they are not persuasive. The device of Kincheloe discloses at the front of the vehicle a wedge shaped nose which is fully capable of clearing the path of the vehicle of certain obstructions. This front portion of the vehicle is considered to be a wedge because it has two sides angled in a wedge towards each other. Although Pestotnik does not actually disclose a fluid delivery tank, it would have been obvious to one having ordinary skill in the art that the device of Pestotnik would have a tank since it is designed to fight fires at locations in which there may not be ready water supplies such as a forest. Also,

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it is well known that some vehicles carry fire extinguishers for safety purposes.

Therefore, it would have been obvious to one having ordinary skill in the art to carry a fire extinguisher in the device of Kincheloe for safety purposes. This fire extinguisher could also be used for certain fire emergencies. Forsyth discloses that the concept of using at least one attachment to airlift a fire fighting vehicle to a site is well in the fire fighting art.

### ***Conclusion***

31. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

32 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davis D. Hwu whose telephone number is 571-272-4904. The examiner can normally be reached on 8:00-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on 571-272-4919. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Davis Hwu



DAVIS HWU  
PRIMARY EXAMINER